

10. RECOMMENDATIONS

In making the following recommendations, I have given consideration to all significant aspects in the overall public interest, including environmental, social and economic effects, engineering feasibility and compatibility of the project with the policies, desires and capabilities of the State of New Jersey and other non-Federal interests.

I recommend that the selected plan for flood control (and associated mitigation) along the Passaic River at Long Hill Township, New Jersey project, as fully detailed in this integrated detailed project report and environmental assessment, be approved as a Federal project for flood control, Section 205 of the Continuing Authorities Program, subject to such modifications as may be prescribed by the Chief of Engineers.

The recommendations contained herein reflect the information available at this time and current departmental policies governing formulation of individual projects. They do not reflect program and budgeting priorities inherent in the formulation of a national Civil Works construction program nor the perspective of higher review levels within the Executive Branch. Consequently, the recommendations may be modified. The non-Federal project partner (the New Jersey Department of Environmental Protection) interested Federal agencies, and other parties will be advised of any modifications and will be afforded an opportunity to comment further.

I recommend approval of the selected flood control plan for the Passaic River at Long Hill Township, New Jersey with such modifications thereof as in the discretion of the Commander, HQUSACE, as may be advisable. These recommendations are made with the provisions that local interests will:

- a. Provide to the United States all necessary lands, easements, rights-of-way, relocations, and suitable borrow and/or disposal areas deemed necessary by the United States for initial construction and subsequent maintenance of the project.
- b. Hold and save the United States free from claims for damages which may result from construction and subsequent maintenance, operation, and public use of the project, except damages due to the fault or negligence of the United States or its contractors.
- c. Maintain continued public ownership and public use of the areas upon which the amount of Federal participation is based during the economic life of the project.
- d. Maintain, repair, rehabilitate, and replace the protective measures and/or structures during the economic life of the project as required to serve the intended purposes at their design levels of flood damage reduction and in accordance with regulations prescribed by the Secretary of the Army.
- e. Provide and maintain necessary access roads, parking areas, and other public use facilities open and available to all on equal terms.
- f. Contribute the local share of non-Federal costs for initial construction and operation and maintenance over the economic life of the project, as required to serve the intended purposes.

- g. Upon completion of each project feature, acquire, rehabilitate, repair, replace, operate and maintain easements for public access to areas created or enhanced by the project. The cost of the operation, and maintenance of these easements will be the responsibility of the non-Federal sponsor.

The recommendations contained herein reflect the information available at this time and current departmental policies governing formulation of individual projects. They do not reflect program and budgeting priorities inherent in the formulation of a national Civil Works construction program nor the perspective of highest review levels within the Executive Branch. Consequently, the Chief of Engineers may modify the recommendations. The sponsor, interested Federal agencies, and other parties will be advised of any modifications and will be afforded an opportunity to comment further.

John B. O'Dowd
Colonel, Corps of Engineers
District Engineer